



Monica Hincken

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January 22, 2024

VIA ECF

The Honorable Robert W. Lehrburger
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 18D
New York, NY 10007

Re: Rinat Hafizov v. BDO USA, LLP, et al.; Case No.: 1:22-cv-08853 (JPC) (RWL)

Dear Judge Lehrburger:

We represent Plaintiff Rinat Hafizov and write in response to Defendants' January 18, 2024 letter motion seeking to hold Plaintiff's deposition at the Courthouse and to bar Plaintiff from attending all other depositions in-person. See Dkt. No. 161. Given that Defendants failed to discuss either issue with Plaintiff's counsel prior to filing the letter motion, it is evident that Defendants' concerns amount to nothing more than grandstanding on the public docket.¹

As defense counsel would have known if they had discussed it with Plaintiff's counsel prior to filing their unnecessary letter motion, Plaintiff has no objection to holding Plaintiff's deposition at the courthouse if that is Defendants' desire. In addition, in an effort to avoid unnecessary litigation on the topic, Plaintiff does not object to taking depositions *via* videoconference where necessary to avoid any claimed concerns while permitting Plaintiff to attend depositions and assist in the prosecution of his claims.

Plaintiff's counsel left a voicemail and sent an email to Defendants' counsel on January 18, 2024 in an effort to learn whether this proposal would moot their motion. Plaintiff's counsel received a response on Tuesday, January 22, 2024 stating that Defendants were unable to speak until January 24, 2024, which is after our response to the underlying letter motion is due. As a result, we have been unable to speak to Defendants' counsel about our proposal as of this filing.

¹ While Defendants assert that they reached out to Plaintiff's counsel to discuss their alleged concerns, they failed to mention that they did so in September 2023 as part of scheduling another deposition that ultimately did not move forward at that time. As a result, the larger discussion about Plaintiff's attendance at depositions was mooted. Defendants never raised the issue again over the last four months. Instead, Defendants chose to file an unnecessary letter motion without first meeting and conferring on either issue with Plaintiff's counsel.



Hon. Robert W. Lehrburger
January 22, 2024
Page 2

For the foregoing reasons, in light of Plaintiff's proposal, Plaintiff respectfully contends that Defendants' letter motion at Dkt. No. 161 is moot. We thank the Court for its time and attention to this matter.

Respectfully submitted,

A handwritten signature in blue ink that reads "Monica Hincken". The signature is written in a cursive, flowing style.

Monica Hincken

Cc: All counsel of record (*via* ECF)